

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PROTEX INTERNATIONAL CORP., a New York  
corporation,

Plaintiff,

CV 05-5355 (ADS)(ARL)

-against-

VANGUARD PRODUCTS GROUP, INC., an  
Illinois corporation,

Defendant.

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**LINDSAY, Magistrate Judge:**

By letter dated December 19, 2006, plaintiff, Protex International Corp. ("Protex"), moves to compel the defendant, Vanguard Products Group, Inc. ("Vanguard"), to respond to its First Set of Requests for the Production of Document. According to Protex, Vanguard's refusal to produce the documents is conditioned on Protex providing responses to Vanguard's contention interrogatories. Vanguard has responded to the application by letter dated December 27, 2006.<sup>1</sup> Vanguard acknowledges that it had withheld production pending determination of the court's ruling on its then-pending motion to compel responses to certain interrogatories. This court ruled on Vanguard's application by order dated December 27, 2006, denying the motion in so far as it sought responses to the contention interrogatories. Thus, in light of the court's ruling, Vanguard has agreed to "immediately produce its documents (approximately 15 boxes of documents) to Protex's counsel for inspection." See Schurn letter, dated December 27, 2006. Given Vanguard's response, the application is moot. The court further denies the plaintiff's application insofar as it seeks reimbursement for expenses incurred in connection with the instant application.

Dated: Central Islip, New York  
January 3, 2007

**SO ORDERED:**

\_\_\_\_\_/s/\_\_\_\_\_  
ARLENE R. LINDSAY  
United States Magistrate Judge

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<sup>1</sup>The court notes that, with the plaintiff's consent, the defendant sought and received an extension of time to respond to the plaintiff's letter motion. Thus, this response is timely.